

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE BUILDING CODE LAWS; PROVIDING THAT
5 THE LEGISLATURE BE THE SOLE STATE ENTITY TO PROMULGATE THE STATE BUILDING CODE;
6 PRESERVING CERTAIN EXISTING EXCEPTIONS FOR THE DEPARTMENT OF LABOR AND INDUSTRY,
7 THE DEPARTMENT OF JUSTICE, AND LOCAL GOVERNMENTS; PROVIDING THAT THE LEGISLATURE
8 PROMULGATE THE STATE BUILDING CODE BY DIRECTING THE DEPARTMENT OF LABOR AND
9 INDUSTRY TO ADOPT RULES PURSUANT TO THE MONTANA ADMINISTRATIVE PROCEDURES ACT;
10 PRESERVING THE EXISTING STATE BUILDING CODE; PROVIDING RULEMAKING AUTHORITY;
11 AMENDING SECTIONS 50-53-103, 50-60-102, 50-60-202, AND 50-60-203, MCA; REPEALING SECTION 50-
12 60-204, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15

16 **Section 1.** Section 50-53-103, MCA, is amended to read:

17 **"50-53-103. Department rules.** (1) The department shall adopt rules relating to the operation of
18 public swimming pools and public bathing places, including rules:

19 (a) setting standards to ensure sanitation and safety in public swimming pools and public bathing
20 places to protect public health and safety;

21 (b) imposing reasonable fees for review of plans relating to the design, construction,
22 reconstruction, alteration, conversion, repair, and installation of equipment and for plan review when plan
23 review is conducted by the department;

24 (c) relating to the licensing of operators of public swimming pools and public bathing places,
25 including allowing for training courses, testing, and recertification for cardiopulmonary resuscitation or pool
26 operator certification to be conducted in person, online, or through other virtual methods;

27 (d) providing procedures for the enforcement of the laws and rules relating to public swimming
28 pools and public bathing places;

(e) relating to cooperative agreements between the department and local boards of health; and
 (f) setting performance standards for local boards of health, local health officers, and sanitarians to meet as a condition to receipt of funds provided by the department pursuant to 50-53-218.

(2) Any rule relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings or installation of equipment in buildings is effective only when it has been adopted by the department of labor and industry as part of the state building code ~~and filed with the secretary of state pursuant to 50-60-204~~ pursuant to 50-60-202 and 50-60-203."

Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability -- local government energy conservation standards. (1) Except as provided in subsection (5), the state building code, as defined in ~~50-60-203(3)~~ 50-60-203, does not apply to:

(a) residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building of any size, and any private garage or private storage structure of any size used only for the owner's own use, located within a county, city, or town, unless the local legislative body by ordinance or resolution makes the state building code applicable to these structures;

(b) mines and buildings on mine property regulated under Title 82, chapter 4, and subject to inspection under the Federal Mine Safety and Health Act;

(c) petroleum refineries and pulp and paper mills, except a structure classified under chapter 7, section 701, group B, division 2, and chapter 9, section 901, group H, outside of process units, of the 1991 edition of the Uniform Building Code;

(d) industrial process piping, vessels, and equipment and process-related structures located outside of another structure occupied on a regular basis by employees or the public; or

(e) traffic control signals, street lighting, traffic control signs, and other traffic control devices.

(2) Except as provided in subsection (5), the state may not enforce the state building code under 50-60-205 for the buildings and equipment referred to in subsection (1). A county, city, or town that has made the state building code applicable to the buildings referred to in subsection (1) may enforce within the area of its jurisdiction the state building code as adopted by the county, city, or town.

(3) When good and sufficient cause exists, a written request for limitation of the state building code

1 may be filed with the department for filing as a permanent record.

2 (4) The department may limit the application of any rule or portion of the state building code to
3 include or exclude:

4 (a) specified classes or types of buildings according to use or other distinctions as may make
5 differentiation or separate classification or regulation necessary, proper, or desirable; or

6 (b) specified areas of the state based on size, population density, special conditions prevailing in
7 the area, or other factors that make differentiation or separate classification or regulation necessary, proper, or
8 desirable.

9 (5) (a) Subject to subsection (6), for purposes of promoting the energy efficiency of home design
10 and operation, the provisions of the state building code relating to energy conservation adopted pursuant to 50-
11 60-203(1) apply to residential buildings, except:

12 (i) farm and ranch buildings; and

13 (ii) any private garage or private storage structure attached to a residential building and used only
14 for the owner's own use.

15 (b) Subject to subsection (6), the provisions of the state building code relating to energy
16 conservation in residential buildings are enforceable:

17 (i) by the department only for those residential buildings containing five or more dwelling units or
18 otherwise subject to the state building code; and

19 (ii) through the builder self-certification program provided for in 50-60-802 for those residential
20 buildings containing less than five dwelling units and not otherwise subject to the state building code.

21 (6) (a) A county, city, or town with a building code enforcement program may, as part of its building
22 code or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction
23 for the purpose of providing incentives to encourage voluntary energy conservation. The incentive-based
24 standards adopted may exceed any applicable energy conservation standards contained in the state building
25 code.

26 (b) New construction is not required to meet local standards that exceed state energy conservation
27 standards unless the building contractor elects to receive a local incentive."
28

1 **Section 3.** Section 50-60-202, MCA, is amended to read:

2 **"50-60-202. Department Legislature to be sole state agency-entity to promulgate building**
3 **regulations -- exception.** ~~The department~~ (1) (a) Except as provided in subsection (2), after [the effective date
4 of this act] the legislature is the only state agency-entity that may promulgate building regulations as defined in
5 50-60-101, except the Building regulations previously promulgated by the department must remain in effect
6 until the legislature directs otherwise, as provided in subsection (1)(b).

7 (b) The legislature shall promulgate building regulations by directing their adoption by bill as
8 provided in 2-4-412(2). The department shall subsequently adopt rules as provided in 50-60-203.

9 (2) (a) Local governments may adopt building codes as provided in part 3 of this chapter.

10 (b) The department may:

11 (i) adopt standards for factory-built buildings as provided in part 4 of this chapter;

12 (ii) propose changes to the state building code to the economic affairs interim committee provided
13 for in 5-5-223.

14 (c) The department of justice may promulgate regulations relating to use of buildings and
15 installation of equipment. The state fire prevention and investigation section of the department of justice shall
16 review building plans and regulations for conformity with rules promulgated by the department building
17 regulations promulgated by the legislature."

18
19 **Section 4.** Section 50-60-203, MCA, is amended to read:

20 **"50-60-203. Department to adopt state building code by rule.** (1) ~~(a)~~ The department shall adopt
21 rules, as directed by the legislature and in accordance with Title 2, chapter 4, that form the state building code.
22 The state building code must consist of rules:

23 (a) relating to the construction of, the installation of equipment in, and standards for materials to be
24 used in all buildings or classes of buildings, including provisions dealing with safety, accessibility to persons
25 with disabilities, sanitation, and conservation of energy. ~~The adoption, amendment, or repeal of a rule is of~~
26 ~~significant public interest for purposes of 2-3-103;~~

27 (b) ~~Rules concerning the conservation of energy must conform to the policy established in 50-60-~~
28 ~~804 and to relevant policies developed under the provisions of Title 90, chapter 4, part 10;~~

~~(2) The department may adopt by (c) that adopt by reference nationally recognized building codes in whole or in part, except as provided in subsection (5), and may adopt rules. The rules may be more stringent than those contained in national codes.~~

~~(d) that permit the installation of below-grade liquefied petroleum gas-burning appliances;~~

~~(e) that adopt by reference the most recently published edition of the national fire protection association's publication NFPA 99C for the installation of medical gas piping systems. The department may, by rule, issue plumbing permits for medical gas piping systems and require inspections of medical gas piping systems.~~

~~(3)(2) The rules, when adopted as provided in parts 1 through 4, constitute the "state building code" and are acceptable for the buildings to which they are applicable.~~

~~(4) The department shall adopt rules that permit the installation of below-grade liquefied petroleum gas-burning appliances.~~

~~(5)(3) The department may not include in the state building code a requirement for the installation of a fire sprinkler system in a single-family dwelling or a residential building that contains no more than two dwelling units.~~

~~(6) (a) The department shall, by rule, adopt by reference the most recently published edition of the national fire protection association's publication NFPA 99C for the installation of medical gas piping systems. The department may, by rule, issue plumbing permits for medical gas piping systems and require inspections of medical gas piping systems.~~

~~(b)(4) A state, county, city, or town building code compliance officer shall, as part of any inspection, request proof of a medical gas piping installation endorsement from any person who is required to hold an endorsement or who, in the inspector's judgment, appears to be involved with onsite medical gas piping activity. The inspector shall report any instance of endorsement violation to the inspector's employing agency, and the employing agency shall report the violation to the board of plumbers."~~

NEW SECTION. Section 5. Repealer. The following section of the Montana Code Annotated is repealed:

50-60-204. Public hearing required -- effective date of certain rules.

1

2 NEW SECTION. **Section 6.** **Effective date.** [This act] is effective January 1, 2024.

3 - END -